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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

INTERNATIONAL STAR REGISTRY )  
OF ILLINOIS, )  
                               )  
                               Plaintiff, )  
                               )  
                               v. )                           No. 06 C 625  
                               )  
                               )  
ABC RADIO NETWORK, INC., )  
                               )  
                               Defendant. )

MEMORANDUM ORDER

Although this action has been referred to Magistrate Judge Morton Denlow for purposes of possible settlement, the just-filed First Amended Complaint ("FAC") has brought to this Court's attention a potential jurisdictional problem that this Court most frequently catches at the very outset but missed in this instance. With the absence of subject matter jurisdiction being (of course) nonwaivable, this memorandum order addresses that issue *sua sponte*.

Because plaintiff International Star Registry of Illinois is listed in the case caption as a limited liability corporation,<sup>1</sup> the allegations as to its citizenship in Complaint ¶3 are defective. It has been clear for almost a decade (see Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7<sup>th</sup> Cir. 1998)) that the relevant citizenship for federal diversity purposes is not that

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<sup>1</sup> Complaint ¶3 both (1) adds "Ltd." to the corporate name and (2) does not similarly reflect limited liability corporate status. This memorandum order operates on the premise that the case caption is correct.

of the limited liability company itself, but rather that of every member. Accordingly plaintiff's counsel are ordered to file an amendment to FAC §§3 and 5 with the requisite information on or before May 30, 2006, so that this Court may determine whether federal subject matter jurisdiction is indeed present. In the meantime, on the premise that a "yes" answer to that question will be forthcoming, the reference to Magistrate Judge Denlow remains in effect.



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Milton I. Shadur  
Senior United States District Judge

Date: May 18, 2006